

AMENDATORY SECTION (Amending WSR 01-21-071, filed 10/18/01, effective 11/18/01)

**WAC 308-56A-310 Personal property lien--Chattel(~~(, landlord)~~)).** (1) **What is a chattel lien?** For the purposes of this section a ~~((#))~~ chattel lien ~~(" means: A lien obtained by any person, firm or company who provides services or materials for a vehicle at the owner's request, in the event of nonpayment by the owner. A person or firm that provides services or material for a vehicle at the owner's request may obtain a lien on such vehicle. In the event of nonpayment the lien may be foreclosed as provided by law))~~ is a process by which a person may sell or take ownership of a vehicle when:

(a) They provide services or materials for a vehicle at the request of the registered owner; and

(b) The person who provided the services and/or materials has not been compensated.

Note: This chapter does not apply to automotive repair facilities that fail to comply with requirements of 46.71 RCW.

(2) **What documents ~~((does the department require to issue))~~ are required to issue a certificate of ownership for a vehicle obtained through the chattel lien process ~~((obtained through the chattel lien process))~~?** ~~((In addition to other documents required by law or rule the department requires:))~~ The required documents include:

(a) A completed affidavit of sale chattel(~~(/landlord)~~) lien form provided or approved by the department; ~~((or))~~ and

(b) A certified copy of ~~((a court order awarding the vehicle to the claimant))~~ the lien filing that is filed with the county auditor; and

(c) A copy of the letter(s) sent by the lien applicant via first class mail to the registered and legal owners of record; and

(d) A copy of the certified or registered mail, including the return receipt, to the address of the current registered and legal owners of the lien filing; and

(e) Affidavit of service by mail; and

(f) Application for certificate of ownership; and

(g) Other documents that may be required by law or rule.

(3) **When is a court order required ~~((by the department))~~ to issue a certificate of ownership as a result of a chattel lien?** A Washington court order is required when:

(a) The vehicle is no longer in the possession of the person(~~(/business who is))~~ claiming the chattel(~~(/landlord)~~) lien; or

(b) Someone other than the owner of record requested the services; or

(c) There is ~~((an existing lien holder on record))~~ no record of the vehicle on file with the department.

~~((i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:~~

~~(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or~~

~~(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.~~

~~(d) There is more than one lien claimed against the vehicle.~~

~~(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not,~~

~~the claimant may:~~

~~(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or~~

~~(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.))~~

~~(4) What ((is a landlord)) laws regulate chattel liens? ((For the purposes of vehicle licensing and titling, a landlord lien is an encumbrance on a vehicle as security for the payment of moneys owing for rent.~~

~~(5) What documents does the department require to issue a certificate of ownership for a vehicle, obtained through the landlord lien process? In addition to other documents required by law or rule the department requires:~~

~~(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or~~

~~(b) A copy of a court order awarding the vehicle to the claimant.~~

~~(6) When does the department require a court order to issue a certificate of ownership as a result of a landlord lien? A court order is required when:~~

~~(a) The vehicle is no longer in the possession of the person/business who is claiming the landlord lien; or~~

~~(b) The vehicle owner of record is someone other than the person owing for rent; or~~

~~(c) There is an existing lien holder on record.~~

~~(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:~~

~~(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or~~

~~(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.~~

~~(d) There is more than one lien against the vehicle.~~

~~(i) In order to remove any existing lien holders from the record, the court order must specifically authorize the removal of any lien. If it does not, the claimant may:~~

~~(A) Negotiate with the lien holders to obtain either a release of interest or a new security agreement; or~~

~~(B) Petition either the court that issued the original order, or a higher court to have the matter of secured interest resolved.~~

~~(7) Why is a court order required for a landlord lien if there is a lien holder on the existing record? In order to record a secured interest on a Washington certificate of ownership, there must be a security agreement between the registered owner and the legal owner except for government liens as provided in law.)) Chapter 60.08 RCW regulates chattel liens.~~

#### NEW SECTION

**WAC 308-56A-311 Personal property lien--Landlord's lien for rent. (1) What is a landlord's lien for rent?** For the purposes of this chapter, a landlord's lien for rent is a process by which a landlord may sell or take ownership of a tenant's vehicle as security for rent due.

**(2) What documents are required to issue a certificate of ownership for a vehicle obtained through the landlord's lien for rent process?** The required documents include:

(a) A completed affidavit of landlord lien form provided or approved by the department;

- (b) Application for certificate of ownership; and
- (c) Other documents that may be required by law or rule.
- (3) **When is a Washington court order required to issue a certificate of ownership as a result of a landlord's lien for rent?** A Washington court order is required when there is no record of the vehicle on file with the department.
- (4) **What laws regulate landlords' lien for rent?** Chapters 59.18, 60.10, and 60.72 RCW regulate landlord liens for rent.

#### NEW SECTION

**WAC 308-56A-312 Personal property lien--Self-service storage facilities.** (1) **What is a self-service storage facilities lien?** For the purposes of this chapter, a self-storage facilities lien is a process by which the owner of a self-storage facility may sell a vehicle stored at the facility as security for rent or other charges due.

(2) **What documents are required to obtain a certificate of ownership for a vehicle obtained through the self-service storage facilities lien process?** The required documents include:

(a) A completed affidavit of self-storage facilities lien sale form provided or approved by the department;

(b) Application for certificate of ownership; and

(c) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a self-service storage facilities lien?**

(a) The vehicle is no longer in the possession of the person who is claiming the self-service storage facilities lien; or

(b) There is an existing lien holder on the vehicle record; or

(c) There is no record of the vehicle on file with the department.

(4) **What law regulates self-service storage facilities liens?** Chapter 19.150 RCW regulates self-storage facilities liens.